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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

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13 UNITED STATES OF AMERICA,) No. CR 10-0450 EJD
14 Plaintiff,)
15 vs.) **STIPULATION AND [PROPOSED]**
16 STEVEN FOSTER) **ORDER CONTINUING STATUS**
17 Defendant) **HEARING**
18)
19)
20)

21 The parties stipulate, and request that the court Order, the following:

22 1. Mr. Foster, the accused in the above case, is currently scheduled for a
23 status hearing on February 4, 2013 at 1:30 PM. By this stipulation and proposed
24 Order, the parties are jointly requesting that the status hearing be moved to March 11,
25 2013 at 1:30 PM.

1 2. Counsel for Mr. Foster, Peter A. Leeming, will be in trial in the case of
2 US v. Roller, CR 08-00361 RMW on February 4 and will therefore not be available.

3 The parties have discussed the date of March 11, 2013 as an alternative status
4 conference date and respectfully request the court continue the hearing until that date.
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6 3. For the above reasons, the parties respectfully request that the hearing
7 date of February 4, 2013 be vacated, and a new hearing be set for March 11, 2013, at
8 1:30 PM, and that the time from February 4, 2013 to March 11, 2013 be excluded
9 under the speedy trial act for the effective preparation of counsel and for continuity
10 of counsel.

11 Respectfully submitted,

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13 Dated: January 27, 2013 By: _____/s/ _____
14 PETER A. LEEMING,
15 Attorney for Steven Foster

16 */s/ Jeffrey B. Schenk*
17 Assistant U.S. Attorney

18 IT IS SO ORDERED.

19 DATED: 1/30/2013

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Hon. Edward J. Davila
United States District Court Judge